

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

RAMON TORRES RUELAS,

Petitioner,

Case No. 2:18-cv-01222-SU

v.

OPINION AND ORDER

TROY BOWSER,

Respondent.

MOSMAN, J.,

On August 31, 2020, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (F. & R.) [54]. Judge Sullivan recommended that I DENY the Petition for Writ of Habeas Corpus [1]. No objections were filed. Upon review, I agree with Judge Sullivan.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See*


Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Sullivan's recommendation and I ADOPT the F. & R. [54] as my own opinion. The Petition for Writ of Habeas Corpus [1] is DENIED. The case is DISMISSED with prejudice. Because Petitioner has made a substantial showing of the denial of a constitutional right, a certificate of appealability is GRANTED as to Petitioner's Ground One ineffective assistance of counsel claims. *See* 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 25th day of September, 2020.


MICHAEL W. MOSMAN
United States District Judge